

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CELINA DARK and TRAVIS BARRY,

Plaintiffs,

Case No. 1:21-cv-07355

v.

**JOINT MOTION TO BE
EXCUSED FROM MEDIATION**

TOURO COLLEGE,

Defendant.

AND NOW, comes the Parties, jointly and through their respective undersigned counsel, and files this Joint Motion to be Excused from Mediation respectfully requesting the following.

1. The Court entered an Automatic Referral to Mediation on November 3, 2021.
2. Prior to Plaintiffs' filing of the Complaint on September 1, 2021, the Parties voluntarily participated in private mediation in the hope of resolving the matter now before the Court.
3. The matter did not resolve at mediation and the Parties' respective positions have not changed since that time.
4. The Parties have conferred and agree that this second Court-ordered mediation would be unproductive and would waste the Parties' resources.
5. As a result and at this time, the Parties, through their Counsel, now seek to be excused from the Court-ordered mediation.

Dated: Pittsburgh, Pennsylvania
November 16, 2021

Respectfully submitted,

/s/Mariah L. Passarelli

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*Granted. The initial conference
shall occur on 12/7/21 at
2⁰⁰ pm. [Signature]
11/16/21*

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Attorneys for Defendant

Dated: New York, New York
November 16, 2021

Respectfully submitted,
/s/ Alex J. Hartzband

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